

### **REMARKS**

Applicants respectfully request entry of the Amendment and consideration of the claims prior to examination.

Claims 1-10 have been canceled without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of these claims in one or more continuation applications.

Claims 11-49 are new. Applicants submit the newly presented claims are supported throughout the specification, including at page 10, line 15 to page 11, line 9; page 12, lines 12-14; page 12, line 21 to page 13, line 18; page 21, line 18 to page 22, line 26; page 28, line 23 to page 34, line 5; page 34, line 25 to page 35, line 14; page 41, line 7 to page 42, line 14; page 62, lines 1-8; page 64, line 13 to page 66, line 2; and pages 76-79. Applicants respectfully assert that the new claims presented herein are consistent with the election of species.

### **Response to the Election of Species**

The Examiner has required an election of species to (a) a pair of interferons consisting of the first type and the second type and/or one particular antibody of (b) 4A7 or 2E1 if consistent with the election in (a) and/or an antibody of (c) if consistent with either the election of (a) or (b). Without acquiescing to the statements made in the Restriction Requirement, Applicants hereby elect with traverse the following species:

- (a) first type interferon IFN- $\alpha$ 2 and second type interferon IFN- $\beta$ ; and
- (b) monoclonal antibody 2E1; and
- (c) an anti-IFNAR1 monoclonal antibody that binds to an amino acid in residues 291-298 of SEQ ID NO:22.

Applicants respectfully note the Examiner's citation of 37 C.F.R. § 1.141. However, Applicants respectfully remind the Examiner that this Action is an election of species and not a restriction between species. Upon allowance of the elected species, the non-elected species must be further examined on the merits. MPEP § 809.

Applicants submit that claim 11 is a linking claim. The linking claim links kit claims 29 to 32, method claims 33 to 42, and hybridoma cell line claims 43-49. Applicants submit that upon notice of allowable subject matter of the linking claim, Applicants are entitled to rejoinder and examination of the linked claims.

Applicants respectfully assert that the new claims are consistent with the instant election of species, as the election above is applicable to the new claims presented in the instant amendment.

**Summary**

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date:

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PATENT TRADEMARK OFFICE